

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

VICTORY INTERNATIONAL (USA)  
LLC,

Plaintiff,

V.

LA VERSAILLES FRAGRANCES, INC.,

Defendant.

**Civil Action No. 11-757 (SRC)**

## OPINION

**CHESLER, District Judge**

This matter has come before the Court on the motion for summary judgment, pursuant to Federal Rule of Civil Procedure 56, by Plaintiff Victory International (USA) LLC (“Plaintiff”). The motion is unopposed. For the reasons stated below, the motion will be granted.

“When the moving party has the burden of proof at trial, that party must show affirmatively the absence of a genuine issue of material fact: it must show that, on all the essential elements of its case on which it bears the burden of proof at trial, no reasonable jury could find for the non-moving party.” In re Bressman, 327 F.3d 229, 238 (3d Cir. 2003) (quoting United States v. Four Parcels of Real Property, 941 F.2d 1428, 1438 (11th Cir. 1991)). The sole issue before this Court in addressing this unopposed motion is whether Plaintiff has pointed to evidence sufficient to establish the essential elements of its case.

Plaintiff has offered evidence that it delivered to Defendant goods with a value of

\$651,154.75, that it retained a purchase money security interest in the goods until they had been paid for, that Defendant has not paid for the goods, and that it has perfected the purchase money security interest. Plaintiff now seeks to foreclose on the purchase money security interest. Plaintiff has offered evidence sufficient to establish all the essential elements of its claim.

N.J. Stat. Ann. § 12A:9-601 states:

(a) Rights of secured party after default. After default, a secured party has the rights provided in this part and, except as otherwise provided in 12A:9-602, those provided by agreement of the parties. A secured party: (1) may reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure.

Pursuant to N.J. Stat. Ann. § 12A:9-601(a), this Court is authorized to foreclose on the security interest. Plaintiff's motion for summary judgment is granted, and Judgment shall be entered in Plaintiff's favor in the amount of \$651,154.75.

s/ Stanley R. Chesler  
Stanley R. Chesler, U.S.D.J